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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/658,727

09/09/2003

Jeyhan Karaoguz

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EXAMINER

PARK, JUNG H

ART UNIT

PAPER NUMBER

2465

MAIL DATE

DELIVERY MODE

09/23/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/658,727	Applicant(s) KARAOGUZ ET AL.	
	Examiner JUNG PARK	Art Unit 2465	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 02 September 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1-31.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
 13. ☐ Other: _____.

/Jayanti K. Patel/
 Supervisory Patent Examiner, Art Unit 2465

/Jung Park/
 Examiner, Art Unit 2465

Continuation of 11. does NOT place the application in condition for allowance because: At pages 10-14, applicant argues that Lee and Fantaske fail to disclose "determining by an access point, ...allocating a processor within the access point ..., and processing by the allocated processor."

In reply, with regard to "determining by an access point", Lee discloses the method of selecting AP based on the determined protocol in mobile station as shown in Figure 1 and described paragraph [0059]. An access point (AP) is a land station or a mobile station carrying on a service for mobile stations and/or communicating with other APs. Without allocating a processor within the access point, the selected AP is not operable with mobile stations because a processor within AP communicates with a processor within mobile or hand-held phone. For example, in a wireless telephone system, the signals from one or more mobile telephones in an area are received at a nearby base station, which then connects the call to the land-line network. A processor in computer network is commonly use to refer to any hardware that is used for information processing, but not limited to hardware. Therefore, the selected access point based on the determined protocol inherently includes a processor for communication based on one of the selected IEEE 802.11 protocols in the AP, Therefore, one of the selected AP, even though it is a default processor, determines a protocol associated with a communication signal from mobile station for the AP. Therefore, the examiner respectfully disagrees.

As to the limitations "allocating a processor within the access point", since applicant does not claim a plurality of processors in the access point, it is not necessary that access point of Lee should have a plurality of APs to allocate a processor. The processor complying with the selected protocol should be allocated for communication between mobile station and AP. Therefore, the examiner respectfully disagrees.

As to limitations "processing by the allocated processor", Lee selects the best AP based on the selected protocol of mobile station, and the selected processor in AP, even though it is only one processor within AP, it should have protocol compliance with the selected protocol of MS and process the communication signal. Therefore, the examiner respectfully disagrees. Note: The Examiner fully understands the applicant's invention and description of Lee's invention, however, the claim language can be interpreted in a different way as disclosed by the combination of Lee and Fantaske. For example, applicant claims only "a protocol", not a plurality of protocols and "allocating a processor" in stead of allocating one processor among a plurality of processors. Therefore, ordinary person in the art can interpret the broad claim limitations in a different view.

At pages 14-16, with respect to claim 2, applicant argues that the combination of Lee, Fantaske and Schmidt fail to disclose "selecting the allocated processor from a pool of available processors within the AP, for the processing of the communication signal."

In reply, applicant unexpectedly keep arguing the DSPs used in wireless mobile. How DSP can be only used in wireless mobile station? DSP used in wireless mobile can be definitely applied to any device needed to implement a specific function. Ordinary person in the art definitely knows that digital signal processors (DSPs) is used to operate optimally on specific problems as described in col.5, lines 51-59 and the bank of DSPs can be optimized to handle discrete cosine transforms as described in col.5, lines 59-66, whereas one of the processors can be used to handle other specific operation such as operating for one of the selected IEEE 802.11 protocols. Therefore, multiple DSPs disclosed by Schmidt can be applied to the specific protocols in system of Fantaske, even into wireless mobile and/or AP, because DSP is configured to operate optimally on specific problems/tasks as suggested by Schmidt. Further, ordinary person in the art know that DSP is designed for containing architectural optimizations to speed up processing and these optimizations are also important to lower costs, heat-emission and power-consumption. Therefore, the examiner respectfully disagrees.

At pages 18-24, the arguments regarding to claims 1 and 11; claims 10 and 20; and claims 2, 12, 22, and 21 are repeated or similar arguments mentioned in the previous pages and therefore, the similar reasons set forth for claims 1 and 2 applied to those arguments.